

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 01 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

1 Kent F. Larsen, Esq. (NBN 3463)
 2 Paul M. Haire, Esq. (NBN 5656)
 3 Joseph T. Prete (NBN 9654)
 4 SMITH LARSEN & WIXOM
 5 1935 Village Center Circle
 6 Las Vegas, Nevada 89134
 7 Tel: (702) 252-5002
 8 Fax: (702) 252-5006
 9 Email: kfl@slwlaw.com
 pmh@slwlaw.com
 jtp@slwlaw.com
 Attorneys for Defendants
 JPMorgan Chase Bank, N.A. and
 California Reconveyance Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GERALD ALDERSON,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.;
 CALIFORNIA RECONVEYANCE
 COMPANY, a California corporation; BLACK
 and WHITE CORPORATIONS; ABLE and
 BAKER COMPANIES; RED and GREEN
 PARTNERSHIPS; and JOHN DOES I through
 X, inclusive,

Defendants.

Case No.: 3:13-cv-00487-RCJ-VPC

**STIPULATED PROTECTIVE
ORDER**

In order to protect the confidentiality of confidential information obtained by the parties in
 connection with this case, the parties hereby agree as follows:

1. Any party or non-party may designate as "confidential" (by stamping the relevant
 page or other otherwise set forth herein) any document or response to discovery which that party or
 non-party considers in good faith to contain information involving trade secrets, or confidential
 business or financial information, subject to protection under the Federal Rules of Civil Procedure

SMITH LARSEN & WIXOM

ATTORNEYS

HILL CENTER BUSINESS PARK
1935 VILLAGE CENTER CIRCLE
LAS VEGAS, NEVADA 89134
TEL (702) 252-5002 • FAX (702) 252-5006

1 or Nevada law ("Confidential Information"). Where a document or response consists of more than
2 one page, the first page and each page on which confidential information appears shall be so
3 designated.
4

5 2. A party or non-party may designate information disclosed during a deposition or in
6 response to written discovery as "confidential" by so indicating in said response or on the record at
7 the deposition and requesting the preparation of a separate transcript of such material. Additionally
8 a party or non-party may designate in writing, within twenty (20) days after receipt of said
9 responses or of the deposition transcript for which the designation is proposed, that specific pages
10 of the transcript and/or specific responses be treated as "confidential" information. Any other party
11 may object to such proposal, in writing or on the record. Upon such objection, the parties shall
12 follow the procedures described in paragraph 8 below. After any designation made according to the
13 procedure set forth in this paragraph, the designated documents or information shall be treated
14 according to the designation until the matter is resolved according to the procedures described in
15 paragraph 8 below, and counsel for all parties shall be responsible for making all previously
16 unmarked copies of the designated material in their possession or control with the specified
17 designation.
18

19
20 3. All information produced or exchanged in the course of this case (other than
21 information that is publicly available) shall be used by the party or parties to whom the information
22 is produced solely for the purpose of this case.

23 4. Except with the prior written consent of other parties, or upon prior order of this
24 Court obtained upon notice to opposing counsel, Confidential Information shall not be disclosed to
25 any person other than:
26
27
28

SMITH LARSEN & WIXOM

ATTORNEYS

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

TEL (702) 252-5002 • FAX (702) 252-5006

- 1 (a) counsel for the respective parties to this litigation, including in-house counsel and
2 co-counsel retained for this litigation;
3
4 (b) employees of such counsel;
5
6 (c) individual defendants, class representatives, any officer or employee of a party, to
7 the extent deemed necessary by Counsel for the prosecution or defense of this
8 litigation;
9
10 (d) consultants or expert witnesses retained for the prosecution or defense of this
11 litigation, provided that each such person shall execute a copy of the Certification
12 annexed to this Order as Exhibit "A" (which shall be retained by counsel to the party
13 so disclosing the Confidential Information and made available for inspection by
14 opposing counsel during the pendency or after the termination of the action only
15 upon good cause shown and upon order of the Court) before being shown or given
16 any Confidential Information and provided that if the party chooses a consultant or
17 expert employed by a corporate defendant or one of its competitors, the party shall
18 notify the opposing party, or designating nonparty, before disclosing any
19 Confidential Information to that individual and shall give the opposing party an
20 opportunity to move for a protective order preventing or limiting such disclosure;
21
22 (e) any authors or recipients of the Confidential Information;
23
24 (f) the Court, Court personnel, and court reporters; and
25
26 (g) witnesses (other than persons described in paragraph 4(e)). A witness shall sign the
27 Certification before being shown a confidential document. Confidential Information
28 may be disclosed to a witness who will not sign the Certification only in a
deposition at which the party who designated the Confidential Information is

1 represented or has been given notice that Confidential Information shall be
2 designated "Confidential" pursuant to paragraph 2 above. Witnesses shown
3 Confidential Information shall not be allowed to retain copies.
4

5 5. Any persons receiving Confidential Information shall not reveal or discuss such
6 information to or with any person who is not entitled to receive such information, except as set
7 forth herein.

8 6. Unless otherwise permitted by statute, rule or prior court order, papers filed with the
9 court under seal shall be accompanied by a contemporaneous motion for leave to file those
10 documents under seal, and shall be filed consistent with the court's electronic filing procedures in
11 accordance with Local Rule 10-5(b). Notwithstanding any agreement among the parties, the party
12 seeking to file a paper under seal bears the burden of overcoming the presumption in favor of
13 public access to papers filed in court. *Kamakana v. City and County of Honolulu*, 447 F.2d 1172
14 (9th Cir. 2006).
15

16 7. A party may designate as "confidential" documents or discovery materials produced
17 by a non-party by providing written notice to all parties of the relevant document numbers or other
18 identification within thirty (30) days after receiving such documents or discovery materials. Any
19 party or non-party may voluntarily disclose to others without restriction any information designated
20 by that party or non-party as confidential, although a document may lose its confidential status if it
21 is made public.
22

23 8. If a party contends that any material is not entitled to confidential treatment, such
24 party may at any time give written notice to the party or non-party who designated the material.
25 The party or non-party who designated the material shall have twenty-five (25) days from the
26 receipt of such written notice to apply to the Court for an order designating the material as
27
28

1 confidential. The party or non-party seeking the order has the burden of establishing that the
2 document is entitled to protection.

3 9. Notwithstanding any challenge to the designation of material as Confidential
4 Information, all documents shall be treated as such and shall be subject to the provisions hereof
5 unless and until one of the following occurs:
6

7 (a) the party or non-party claims that the material is Confidential Information
8 withdraws such designation in writing; or

9 (b) the party or non-party who claims that the material is Confidential Information fails
10 to apply to the Court for an order designating the material confidential within the
11 time period specified above after receipt of a written challenge to such designation;
12 or
13

14 (c) the Court rules the material is not confidential.

15 10. All provisions of this Order restricting the communication or use of Confidential
16 Information shall continue to be binding after the conclusion of this action, unless otherwise agreed
17 or ordered. Upon conclusion of the litigation, a party in the possession of Confidential Information,
18 other than that which is contained in pleadings, correspondence, and deposition transcripts, shall
19 either (a) return such documents no later than thirty (30) days after conclusion of this action to
20 counsel for the party or non-party who provided such information, or (b) destroy such documents
21 within the time period upon consent of the party who provided the information and certify in
22 writing within thirty (30) days that the documents have been destroyed.
23

24 11. The terms of this Order do not preclude, limit, restrict, or otherwise apply to the use
25 of documents at trial.
26
27
28

SMITH LARSEN & WIXOM

ATTORNEYS

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

TEL (702) 252-5002 • FAX (702) 252-5006

12. Nothing herein shall be deemed to waive any applicable privilege or work product protection, or to affect the ability of a party to seek relief for an inadvertent disclosure of material protected by privilege or work product protection.

13. Any witness or other person, firm or entity from which discovery is sought may be informed of and may obtain the protection of this Order by written advice to the parties' respective counselor by oral advice at the time of any deposition or similar proceeding.

DATED: September 30, 2014

DATED: September 30, 2014

RICHARD G. HILL, LTD.

SMITH LARSEN & WIXOM

By: /s/ Richard G. Hill, Esq.

By: /s/ Paul M. Haire, Esq.

Richard G. Hill, Esq. (NBN 596)
652 Forest Street
Reno, NV 89509
Attorney for Plaintiff

Kent F. Larsen, Esq. (NBN 3463)
Paul M. Haire, Esq. (NBN 5656)
Joseph T. Prete (NBN 9654)
1935 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Defendant

IT IS ~~SO~~ ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: October 1, 2014

SMITH LARSEN & WIXOM

ATTORNEYS

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

TEL (702) 252-5002 • FAX (702) 252-5006

EXHIBIT "A"

CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order dated _____, in the case of *Gerald Alderson v. JPMorgan Chase Bank, N.A., et al.*, Civil No. 3:13-cv-00487-RCJ-VPC. I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information - including copies, notes, or other transcriptions made therefrom - in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information -- including copies, notes or other transcriptions made therefrom - to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

DATED: _____

SMITH LARSEN & WIXOM

ATTORNEYS

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

TEL (702) 252-5002 • FAX (702) 252-5006